

Strom vs. Teddy on Douglas

Though the scars may not remain visible, Teddy Kennedy's harsh, verbal clash with Strom Thurmond last week probably harmed the Massachusetts senator in his eager bid for the White House. Not only did colleagues consider his manner rude and bumptious to a man many years his senior, but Teddy found himself in the awkward position of defending Supreme Court Justice William O. Douglas, whose activities off the bench have received sharp criticism and could still explode into a nationwide scandal that will once again rock the High Court.

Teddy, furthermore, was openly supporting Douglas' moonlighting activities at almost the precise time that the Judicial Conference—comprising some of the most distinguished jurists in the country—was handing down a new code of conduct for judges that barred the very sort of activities that Justice Douglas is engaged in.

The Thurmond-Kennedy head-on clash actually began when the South Carolina Republican began to read a speech on Douglas' connection with the Inter-American Center for Economic and Social Studies, an organization financed by the CIA and the Parvin Foundation—the controversial foundation which, until Douglas felt compelled to resign from it recently, had been paying the Supreme Court jurist \$12,000 a year. Thurmond contended that the Inter-American Center, of which Douglas was a board member, was a training school "for left-wing radicals under the tutelage of such leftist politicians as Juan Bosch and Jose Figueres."

At this point Kennedy asked Thurmond to yield the floor because "I have some familiarity with the individuals about whom he is talking." Thurmond replied he would be glad to and asked if Kennedy were a Figueres supporter. Kennedy then replied: "No, I am able to pronounce his name correctly, and I would think that when you are using it in making charges about an individual, it is helpful to pronounce his name correctly, with due respect to an individual."

It was this supercilious remark that got Thurmond hot under the collar. "Are you trying to correct my pronunciation in English," Thurmond retorted, "or are you holding yourself up as an English teacher? Are you an expert because you went to Harvard? What was your record at Harvard?"

Thurmond's response was an obvious thrust at Teddy's having been tossed out of Harvard for cheating. Even more ironic is that Teddy had been caught cribbing on a Spanish exam.

But the fireworks between the two were not yet over. Thurmond pointed out that the Inter-American Center had been organized by Sacha Volman, a naturalized U.S. citizen with a checkered history of radical organizing activities. Shortly after

1960 the CIA began to channel nearly \$1 million "into this institute under the irrational theory that the best way to fight communism is to support left-wing socialism. . . ."

Kennedy then interrupted again, claiming he had "some familiarity with the Center" and would Thurmond tell the Senate "a little bit about the Center—what kind of students were going to the Center?"

Thurmond responded: "The Senator from Massachusetts can tell the Senate what he pleases." Kennedy: "I was asking you." Thurmond: "I am presenting the record of Justice Douglas. . . ." Kennedy: "What has Justice Douglas to do with the Center?" (Thurmond had already noted that Douglas was a board member.) Thurmond: "If the Senator from Massachusetts will listen and not interrupt so much, he will learn." Kennedy: "I have been listening." Thurmond: "If the Senator from Massachusetts will just keep quiet a few minutes, until I get through, he might learn something." Kennedy then tried to interrupt again, but this time Thurmond refused to yield.

The South Carolinian then revealed that the Center financed by the CIA and the curious Parvin Foundation, had been of great aid to Dominican radical Juan Bosch and, after Bosch was deposed by his own people and the U.S. had intervened in the Dominican Republic, had published a scathing attack on U.S. policy.

The Inter-American Center, said Thurmond, "with an associate justice of the U.S. Supreme Court on its board of directors, was inextricably drawn to open attacks upon the policies of the President of the United States, with all the domestic implications of such an attack."

In short, said Thurmond, Douglas had no right to sit on the High Court and be part of a left-wing operation that dabbled in foreign affairs and assailed the United States. Furthermore, Douglas might find it difficult to retain his objectivity when issues involving the foundation and Dominican policy came before the court.

"It is clear," Thurmond continued, "that Justice Douglas scarcely understands the relationship of the three branches of our government, nor the necessity for a Supreme Court justice to remain aloof from social and political involvements which frequently sweep the participants into untenable positions. This is another example of Justice Douglas' lack of judgment in pursuing outside activities. . . ."

While Thurmond's criticism seemed sensible enough, Teddy decided to go to bat for Douglas—defending his activities on the CIA-Parvin-funded Center, the \$12,000-a-year fee he received from the embroiled Parvin Foundation and the \$500-a-day fees Douglas took as an officer of the Center for the Study of Democratic Institutions.

Kennedy's defense of Douglas, it is predicted, will be more dubious off-the-bench activities of Douglas continue to unfold.

continued

• The Kennedy defense of Douglas recalled to mind Teddy's having led in 1965 an unsuccessful fight to put the Kennedy family friend, Francis X. Morrissey, on the federal bench. Municipal Judge Morrissey of Boston had a less than distinguished record at the time. His appointment had been opposed by the American Bar Association, Boston jurists and even liberal Judge Charles E. Wyzanski Jr., chief judge of the court where Morrissey would sit.

Morrissey had flunked four courses at an unaccredited law school in Boston, flunked the examination for admission to the Massachusetts bar, and then migrated to Georgia to receive a diploma from the now-defunct Southern Law School in Athens which had virtually no faculty. When he returned to Boston, he received a degree from Suffolk University law school before that institution was credited by the American Bar Association. He then flunked the bar examination in Massachusetts a second time.

In 1944 he finally made the grade and after serving as secretary to Sen. John F. Kennedy he was made a municipal judge in Boston. All in all, it took him 16 years to go through law school and 12 years to pass his bar examination. Judge Wyzanski felt constrained to write the Senate Judiciary Committee in 1965 that the nominee had "neither the familiarity with the law nor the industry to learn it. . . . To confirm Judge Morrissey would be to corroborate the cynical view that judicial place goes not to those who will honor it but to those who by service have bought it."

When Morrissey's lack of qualifications became known, the Senate shelved the appointment, with Teddy vowing to fight for his appointment another day. So much for Teddy's judgment on jurists. One more note: Teddy also fought strongly in 1968 for the confirmation of Abe Fortas as chief justice of the United States.